

**REMARKS:**

This application has been carefully studied and amended in view of the Office Action dated August 25, 2005. Reconsideration of that action is requested in view of the following.

The indication of allowability of claims 12, 16-17 and 19-20 is noted with appreciation. Of those claims claims 17 and 19 have been written in independent form. Claim 12 remains dependent on claim 4 and claim 16 remains dependent on claim 15. Claim 20 remains dependent on allowable claim 19.

It is respectfully submitted that parent claim 1 and its dependent claims are patentable over the prior art and particularly over Schaaf whether taken alone or in view of Watmough. Claim 1 has been amended to make clear the relationship between certain of the components of the assembly. In that regard, claim 1 previously recited the probe as "extending through said cylinder and mounted for joint back and forth movement with the cylinder". Claim 1 has now been amended to make clear that this joint movement is the result of the mounting of the probe with regard to the cylinder so that the back and forth movement of the probe is in response to the back and forth movement of the cylinder. Thus, both the probe and the cylinder move jointly. To make this feature absolutely clear claim 1 has now been amended to define the probe as "extending through said cylinder with said cylinder being between said clamp

mechanism and said probe and said probe being mounted for back and forth movement with said cylinder in response to the back and forth movement of said cylinder". It is submitted that this amendment to claim 1 does not introduce new elements and does not raise any new issues. Rather, it is simply an amplification or clarification of what had been previously defined. In that regard, claim 1 previously defined the cylinder as being clamped in the clamp mechanism and the probe as extending through the cylinder. Such arrangement would dispose the cylinder between the clamp mechanism and the probe. Claim 1, as previously noted, also defined the probe as being mounted for joint movement with the cylinder. Attached is a copy of page 760 of Webster's New World Dictionary, second college edition which contains the definition of "joint" and of "join". When used as an adjective "joint" means common to two or more actions. In addition, when "joint" is used as an adjective, reference is made to the definition of "join". "Join", in turn, means "1. to put or bring together; connect; fasten 2. to make into one; unite". Accordingly as previously defined in claim 1, the joint movement of the probe and cylinder meant a common or united movement. Thus, the amendment to claim 1 which replaces "joint" with "in response to the back and forth movement of said cylinder" is consistent with and does not introduce new issues as regards claim 1 before amendment.

In rejecting claim 1 and various dependent claims over Schaaf the Examiner took the position that the element 34 is the cylinder which is clamped in the clamp mechanism. What Schaaf specifically discloses is that the guide tube 34 and the surgical tool 35 are independently connected to the exit shaft 66 of the electric motor. Accordingly, Figure 6A uses two different directional arrows, namely, arrow X.1 to illustrate the movement of the guide tube 34 and the arrow X.2 for the movement of the surgical tool 35. Note also the specific and unequivocal statement at column 9, line 65 to column 10, line 4 that "The surgical tool 35...is in operative connection with the exit shaft 66 of the electric motor 65 via a coupling 75...The coupling 75 comprises a pressure piece 71 which is fastened...to the proximal end of the surgical tool 35 which is disposed within the guide tube 34." Thus, although the surgical tool 35 is "within" the guide tube 34, the mechanism for causing the reciprocal movement of the surgical tool is by means of attaching the end of the surgical tool to the motor shaft. Clearly, then the movement of the surgical tool (probe) in Schaaf is not one of "joint" movement with the guide tube (cylinder) but rather a movement which is independent of the guide tube. This clearly differs from claim 1 where the probe and cylinder are mounted for joint back and forth movement as previously defined or wherein the movement of the probe is "in response to the back and forth

movement of the cylinder" as now stated in claim 1.

The various claims which are dependent on claim 1, but which had been rejected should also be allowed by reason of their dependency on claim 1 and for the features defined in those claims. Note is made, for example, with regard to claim 5 which defined a plunger telescopically mounted in the cylinder for relative movement between the cylinder and the plunger. In rejecting claim 5 the Examiner referred to Schaaf as disclosing "a plunger telescopically mounted in the cylinder". It is not apparent, however, what structure the Examiner specifically has in mind when referring to the plunger. What is illustrated in Schaaf as being telescopically mounted in the cylinder is the surgical tool 35 within the guide tube 34. It is not apparent what other structure is being referred to as being within the guide tube 34. Figure 3A and Figure 6A, for example, show a further structural element 33 which is designated by Schaaf as being a channel, but the channel 34 is outside of or around the guide 34 and not telescopically mounted "in" the guide (cylinder).

Reconsideration is also requested of the reliance on Watmough with regard to the rejection of the various dependent claims defining the back and forth movement as being in a direction perpendicular to the longitudinal axis of the spindle. No issue is taken that such relative movement is disclosed in

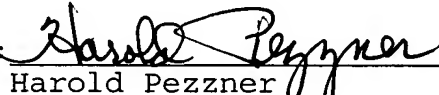
Watmough. Issue is, however, taken with the obviousness of applying the Watmough disclosure to the Schaaf device. The actuator 70 which the Examiner construes as being a spindle is clearly longitudinally arranged in the same longitudinal direction as the guide tube 34 and surgical tool 35. A complete redesign of the Schaaf device would be necessary, without any motivation for such redesign, in order to make the direction of movement of the guide tube and surgical tool perpendicular to the longitudinal axis of the spindle. In order for the references to be properly combined there must be some motivation from the prior art to make that combination. Nothing in either Schaaf or Watmough gives any hint of the desirability or motivation for such combination. This is particularly so in view of the drastic redesign that would be necessary in Schaaf without any teaching as to how such could be done by Watmough.

For the reasons given above it is respectfully submitted that his application should be passed to issue. If the Examiner still maintains his rejection then it is respectfully requested that this amendment be entered for purposes of appeal.

Respectfully submitted,

Connolly Bove Lodge & Hutz LLP

By:

  
Harold Pezzner  
Reg. No. 22,112  
1007 N. Orange Street  
Wilmington, DE 19801  
(302) 658-9141 (PHONE)  
(302) 658-5614 (FAX)

## jogging

temporary change of direction, as in a road or one's course —vi. jogged, jog'ing to form or make a jog (turn left where the road jogs)  
**jog-ging** (jäg'in) *n.* the practice of trotting at a slow, steady pace for some distance as a form of exercise  
**jog-gle** (-l) *vt., vi.* -gled, -gling [freq. of JOG'] to shake or jolt slightly —*n.* a slight jolt  
**jog-ple** (-l) *n.* [**< JOG'**] 1. *a*) a joint made between two surfaces of wood, stone, etc. by cutting a notch in one and making a projection in the other to fit into it *b*) a notch or projection for such a joint 2. *same as* DOWEL —*vt.* -gled, -gling to fasten or join by joggles  
**joggle post** 1. a post made of pieces joined by joggles 2. a post with shoulders to receive the feet of struts  
**Jog-ja-kar-ta** (jäg'yä kār'ta) city in C Java, Indonesia: pop. 313,000  
**jog trot** 1. a slow, steady trot 2. a routine, monotonous, or leisurely way of doing something  
**Jo-han-na** (jō han'nä) a feminine name: see JOANNA  
**Jo-han-nes** (jō han'ez) *n., pl.* -nes [**< ML. Johannes** for John V, king of Portugal (1706–50), who first issued them] a Portuguese gold coin of the 18th and 19th cent.  
**Jo-han-nes-burg** (jō han'is burg', yō hān'is-) city in the Transvaal, NE South Africa: pop. 1,153,000  
**Jo-han-nine** (jō han'nin, -in) *adj.* [**< ML. Johannes** (see ff.) + **-INE**] of or characteristic of the Apostle John  
**John** (jān) [**ME. Jon** **< OFr. Johan, Jehan, Jan** **< ML. Johannes** **< LL. (Ec.) Joannes** **< Gr. (Ec.) Iōannes** **< Heb. yōhānān**, contr. **< yehōhānān**, lit., Yahweh is gracious] 1. a masculine name; dim. *Jack, Johnnie, Johnny*; equiv. *Fr. Jean, Ger. Johann, Johannes, Hans, It. Giovanni, Pol. Jan, Russ. Ivan, Sp. Juan, fem. Jane, Jean, Jeanne, Joan, Joanna, Johanna 2. (called *John Lackland*) 1167–1216; king of England (1199–1216): forced by his barons to sign the Magna Charta (1215); son of HENRY II 3. *Bible* *a*) a Christian apostle, credited with having written the fourth Gospel, the three Epistles of John, and the Book of Revelation: called *the Evangelist and the Divine*; also called *Saint John*: his day is Dec. 27 *b*) the fourth book of the New Testament *c*) any of the three Epistles of John *d*) *same as* JOHN THE BAPTIST 4. John III (born *John Sobieski*) 1624–96; king of Poland (1674–96) 5. John XXIII (born *Angelo Giuseppe Roncalli*) 1881–1963; Pope (1958–63) 6. Augustus (Edwin), 1879–1961; Eng. painter  
**John** (jān) *n.* [Slang] 1. a toilet 2. [also J-] *a*) any man, esp. one who is an easy mark *b*) a customer of a prostitute  
**John Barleycorn** [see BARLEYCORN] *a personification of corn liquor, malt liquor, etc.*  
**John-boat** (jān'bōt') *n.* a skiff with a flat bottom  
**John Bull** [title character in John Arbuthnot's *History of John Bull* (1712)] *a personification of England or an Englishman*  
**John Doe** see DOE  
**John Dory** (dōrē) *pl.* *John Dorys* [JOHN + DORY?] 1. an edible, saltwater, European fish (*Zeus faher*), with a yellow-ringed black spot on each side of its flat body 2. a similar American fish (*Zenopsis ocellata*) of a silvery color  
**John Hancock** [Colloq.] one's signature: so called because John Hancock's signature on the Declaration of Independence is bold and legible  
**John Henry** 1. legendary, usually black; hero of an American ballad, who died while pitting his strength with a sledge hammer against that of a steam drill 2. [Colloq.] one's signature  
**John-ny, John-nie** (jān'ē) *a nickname for JOHN* —*n., pl.* -nies [cf. JACK'] [Chiefly Brit. Colloq.] any man or boy  
**john-ny** (jān'ē) *n., pl.* -nies [**< ?**] 2. a short muslin gown with short sleeves and a back opening that is closed with ties, worn as by hospital patients  
**John-ny-cake** (jān'ē kāk') *n.* [altered (after JOHNNY & CAKE) **< North Eng. dial. jannock, johnnick**, a bread of oatmeal or wheat flour] a kind of corn bread baked on a griddle  
**John-ny-come-late-ly** (-kum'lāt'lē) *n.* [Colloq.] one who has only lately come to a place, position, or viewpoint  
**John-ny-jump-up** (-jump'up') *n.* 1. *same as* WILD PANSY 2. *a popular name for* DAFFODIL 3. any of various American violets  
**Johnny on the spot** [Colloq.] a person who is ready and at hand whenever needed Also *JOHN-ny-on-the-spot* *n.*  
**Johnny Reb** (reb) [JOHNNY + REB(EL)] *a personification of a Confederate soldier*  
**John of Gaunt** (gōnt) Duke of Lancaster, 1340–99; founder of the house of Lancaster; son of EDWARD III  
**John Paul I** (*Albino Luciani*) 1912–78; Pope (1978)  
**John Paul II** (*Karol Wojtyła*) 1920– Pope (1978– )  
**John-son** (jān'sn) 1. Andrew, 1808–75; 17th president of the U.S. (1865–69) 2. James Wel-don (wel'dən), 1871–1938; U.S. writer & diplomat 3. Lyn-don Baines (lin'dən bānz), 1908–73; 36th president of the U.S. (1963–69) 4. Samuel, 1709–84; Eng. lexicographer, writer, & critic; known as *Dr. Johnson*  
**John-son-ese** (jān'sä nēz') *n.* the literary style of, or like that of, Samuel Johnson, variously characterized by erudition, Latinisms, heaviness, pomposity, etc.  
**Johnson grass** a forage and pasture grass (*Sorghum halepense*), widespread in the S U.S., often as a weed  
**John-so-ni-an** (jān sō'nē-an) *adj.* of, like, or characteristic of Samuel Johnson or his style —*n.* an imitator, admirer, or student of Johnson and his work*

## 460

## joint-stock company

★**Johnson noise** [after J. B. Johnson, 20th-c. U.S. physicist] thermal background noise in a radio receiver  
**Johns-ton** (jān'stān) 1. Albert Sidney, 1803–62; Confederate general 2. Joseph Eggleston, 1807–91; Confederate general  
**Johns-town** (jānz'toun') [after Joseph Johns, local landowner] city in SW Pa.: site of a disastrous flood. (1889): pop. 35,000  
**John the Baptist** *Bible* the forerunner and baptizer of Jesus: he was killed by Herod: Matt. 3  
**Jo-hore** (jō hōr') state of Malaya, at the tip of the Malay Peninsula: 7,330 sq. mi.; pop. 1,217,000  
**Joie de vi-vre** (zhwād vē'vr') [Fr.] joy of living; zestful enjoyment of life  
**join** (join) *vt.* [**ME. joinen** **< OFr. joindre** **< L. jungere**, to bind together, *VOKE*] 1. to put or bring together; connect; fasten 2. to make into one; unite [*join forces, join people in marriage*] 3. to become a part or member of; enter into association with [*to join a club*] 4. to go to and combine with [*the path joins the highway*] 5. *a*) to enter into the company of; accompany [*join us later*] *b*) to participate or take part with [*they join me in congratulating you*] 6. [Colloq.] to adjoint 7. *Geom.* to connect with a straight line or curve —*vi.* 1. to come together; meet 2. *a*) to enter into association *b*) to become a member of a group or organization Often with *up* 3. to participate (*in a conversation, singing, etc.*) —*n.* a place of joining (*a seam in a coat is a join*) —*join battle* to start fighting or competing **SYN.** —*join* is the general term implying a bringing or coming together of two or more things and may suggest direct contact, affiliation, etc.; *combine* implies a mingling together of things, often with a loss of distinction of elements that completely merge with one another [*to combine milk and water*]; *unite* implies a joining or combining of things to form a single whole [*the United States*]; *connect* implies attachment by some fastening or relationship [*roads connected by a bridge*]; the duties *connected with a job*; *link* stresses firmness of a connection [*linked together in a common cause*]; *associate* implies a joining with another or others as a companion, partner, etc. and, in extended use, suggests a connection made in the mind [*to associate Freud's name with psychoanalysis*]; *consolidate* implies a merger of distinct and separate units into a single whole for resulting compactness; strength, efficiency, etc. [*to consolidate one's debts*] —**ANT.** separate, part  
**join-der** (-dər) *n.* [Fr. *joindre*, a use of inf. as *n.*; see prec.] 1. a joining; act of meeting or coming together 2. *Law* *a*) a joining of causes *b*) a joining of parties as coplaintiffs or codefendants *c*) a uniting on facts or procedure *d*) an accepting of an issue offered  
**join-er** (-ər) *n.* [**ME. joinour** **< OFr. joignour** **< joindre**; see JOIN] 1. a person or thing that joins 2. a workman who constructs and finishes interior woodwork, as doors, molding, stairs, etc. 3. [Colloq.] a person given to joining various organizations  
**join-er-y** (-ər ē) *n.* the work or skill of a joiner  
**joint** (joint) *n.* [**ME.** **< OFr.** **< L. junctus**, pp. of *jungere*, to join, *VOKE*] 1. a place or part where two things or parts are joined 2. the way in which two things are joined at such a part 3. one of the parts or sections of a jointed whole 4. a large cut of meat with the bone still in it, as for a roast 5. [Slang] *a*) a cheap bar, nightclub, etc. *b*) any house, building, etc. *c*) a prison 6. [Slang] *a*) marijuana cigarette 7. *Anal.* *a*) a place or part where two bones or corresponding structures are joined, usually so that they can move *b*) the way in which they are joined 8. *Bot.* a point where a branch or leaf grows out of the stem 9. *Geol.* a fracture in a rock mass, along which displacement has not occurred —*adj.* [**OFr. joint, jointe**, pp. of *joindre*; see JOIN] 1. joined as to time; concurrent 2. common to two or more persons, governments, etc. as to ownership or action [*a joint declaration, joint property*] 3. sharing with someone else [*a joint owner*] —*vt.* 1. to fasten together by a joint or joints 2. to give a joint or joints to 3. to prepare (a board or stave) for joining to another 4. to cut (meat) into joints; separate at the joints —**out of joint** 1. not in place at the joint; dislocated 2. disordered or disorganized  
**joint account** a bank account in the name of two or more persons, each of whom may withdraw funds  
**Joint Chiefs of Staff** a group within the Department of Defense, consisting of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and a chairman  
**joint committee** a committee with members from both houses of a legislative body, or from two or more organizations  
**joint-ed** (-id) *adj.* having joints  
**joint-er** (-ər) *n.* 1. a person or machine that joints 2. a long plane used in dressing boards 3. a triangular device with an edge, fastened to a plow beam 4. a tool for pointing, ing joints, as of brickwork  
**joint-ly** (-lē) *adv.* in a joint manner; together  
**joint resolution** a resolution passed by both houses of a bicameral legislature: it has the force of a law if signed by the chief executive or passed over his veto  
**joint return** a single income tax return filed by a married couple, combining their individual incomes  
**joint stock** stock or capital held in a common fund  
**joint-stock company** (joint'stāk') a business firm with a joint stock; owned by the stockholders in shares which each may sell or transfer independently

## jointure

**joint-ure** (join'chər) *n.* [**< jungere**; see JOINT] instance of joining 2. *Law* husband grants real property to his wife for life after his death *b*) the property of the holding of property of the buckwheat family, stems, and clusters of small joint-worm (-wurm') *n.* 2. of small wasp (genus *Harn*, by producing gall-like swe *Join-ville* (zhwan vē'l'), Jes chronicler  
**joist** (joist) *n.* [**ME. giste**, *gestir*, to lie **< L. jacere**, to lie] the parallel beams that support the floor or the latting —*vt.* to provide with joists  
**Jō-kai** (yō'koi), *Mau-rus* 1825–1904; Hung. novelist: *Mór* (mōr) *Jókai*  
**joke** (jōk) *n.* [**L. jocus**, a joke] 1. *base* \**jek-*, to speak, wh. *jehan*] 1. anything said to arouse laughter; specif., an anecdote with a punch line, amusing trick played on someone, the humorous element in a story 3. a thing done or said merely for amusement, because absurd, or to make fun of someone *Jok'ing* [**< the n. or l. joc**] jokes 2. to say or do something to make fun of someone [Now Rare] to make fun of someone or teasing 2. to be joking —*no joke* a serious thing 3. *SYN.* —*joke* is the simple, basic word for something that is fun or to excite laughter and pranks, etc.; *jest*, the more formal word for joking language and suggestion; *quip* and *sally* suggest wit; *jest* is a witty or amusingly used slang term, applies to a witty person *Jok-er* (jō'kər) *n.* 1. a person who makes fun of others, especially by worded provision etc. to make it different from the hidden, unsuspected difficulty used in some games to represent the holder desires 5. used disparagingly  
**Jok-ja-kar-ta** (jāk'yä kār'ta) 1. *Jo-ii-et* (jō'lē et', jō'lē et') 1. 78,000  
**Jo-ii-et, Jo-ii-et** (jō'lē et', 1645–1700; Fr. Canad. explorer) 1. *Jo-ii-et-Cu-rie* (zhō lyō kü, dā rēk'), (born *Jean Frédéric*) physicist 2. *i-rène* (ē ren'), Fr. nuclear physicist; wife of Marie Curie  
**jo-ii-ty** (jō'lē fī') *vt., vi.* -fi, -er to be jointly or mutually —*jo-ii-ty* (-ē tē) *n.* [**ME. joliti**] 1. the quality or state of being jointly 2. a jolly occasion; *jo-ii-ty* (jō'lē) *adj.* -li-er, -li-er *ON. jol, vule*] 1. full of merriment; gay; convivial 2. —*adv.* [Brit. Colloq.] very; al [**Colloq.**] 1. to try to make able by coaxing, flattering, etc. 2. to make fun of (someone, a British marine —*get one's pleasure* —*jo-ii-ty-ly* *adv.* —*jo-ii-ty* (boat) [**< MDu. jolle, ya**] *Jolly Roger* [JOLLY + ROGER, flag of pirates, with white skull and crossbones] 1. island in the Mindanao; largest island in the Philippines 2. *Jolt* (jōlt) *vt.* [earlier *jol*, to prob. infl. by obs. *jowl*, to str with a bumpy ride or sharp —*vi.* to move along in a sudden jerk or shake, as from a drink of liquor neat —*Jō-nah* (jō'nä) [**LL. (Ec.) Jon**] 2. *Bible* *a*) a Hebrew prophet; sent because he had disobeyed big fish, but three days later unharmed *b*) the book telling, said to bring bad luck by being read *c*) *Jonah* crab a large, reddish, of the NE coast of N. America

fat, āpe, cār; ten, ēven; is, bīte; a for a in ago, e in agent, i in san ū, Fr. duc; r, Fr. cri; H, G. ic